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June 30, 2006 Date	 David L. Parker

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Lee *et al.*

Serial No.: 09/714,692

Filed: November 16, 2000

For: Method of Inhibiting Angiogenesis by
Administration of a Corticotropin Releasing
Factor Receptor 2 Agonist

Group Art Unit: 1647

Examiner: B. Bunner

Atty. Dkt. No.: D-6233CIP / CLFR:190US

PETITION TO THE DIRECTOR UNDER 37 C.F.R. § 1.181

Mail Stop 8

Director of the United States Patent and Trademark Office
P.O. Box 1450
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Director:

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JUL 07 2006

OFFICE OF PETITIONS

This petition is submitted pursuant the Notice of Abandonment mailed on June 7, 2006 and in accordance with the provisions set forth in 37 C.F.R. § 1.181. Applicants contend that the Notice of Abandonment was improper and request that it be withdrawn. In support of this position the following and evidentiary exhibits are presented. We also note that each of the Exhibits was previously logged in to and is currently available on the Patent Application Information Retrieval (PAIR) system.

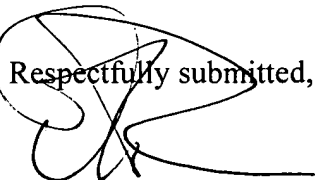
1. On March 31, 2006 a Decision on Appeal was mailed from the U.S. Patent and Trademark Office. Since no claims were allowed, the deadline to respond to the Decision was set at two months (*i.e.*, May 31, 2006) in accordance with 37 C.F.R. § 1.304(a) (Exhibit 1).

2. On May 31, 2006 a Request for Continued Examination and an Amendment was timely filed by the Applicants via U.S. Postal Service. Both documents included a Certificate of Mailing label as set forth in 37 C.F.R. § 1.8 (see Exhibit 2).

3. On June 5, 2006 the Patent Office received the Request for Continued Examination and Amendment as evidenced by the date stamped post card (see Exhibit 3).

4. On June 7, 2006 a Notice of Abandonment was mailed from the USPTO (see Exhibit 4).

In view of the forgoing chain of events Applicants assert that the Notice of Abandonment was improper since the a Request for Continued examination was timely filed by first class U.S. mail within the allotted time period and the each document properly included a Certificate of Mailing in accordance with 37 C.F.R. § 1.8. Applicants respectfully request that the Notice of Abandonment be withdrawn and that the application be reconsidered on its merits.

Respectfully submitted,


David L. Parker
Reg. No. 32,165
Attorney for Applicants

FULBRIGHT & JAWORSKI, L.L.P.
600 Congress Ave., Ste. 1900
Austin, Texas 78701
(512) 536-3055
(512) 536-4598 (facsimile)

Date: June 30, 2006

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

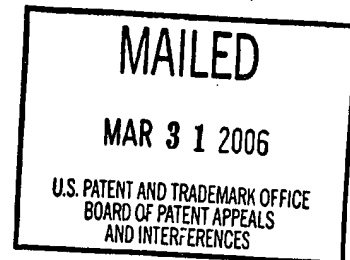
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte KUO-FEN LEE,
WYLIE W. VALE, TRACY L. BALE,
and GEORGE W. SMITH

Appeal No. 2006-0485
Application No. 09/714,692

ON BRIEF



Before ELLIS, SCHEINER and GRIMES, Administrative Patent Judges.

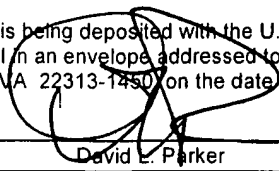
GRIMES, Administrative Patent Judge.

DECISION ON APPEAL

This appeal involves claims to a method of inhibiting angiogenesis, which the examiner has rejected as anticipated by the prior art. We have jurisdiction under 35 U.S.C. § 134. We affirm.

Background

The specification discloses that "angiogenesis may be inhibited in a target tissue by administering a [Corticotropin Releasing Factor Receptor 2] CRFR2 agonist such as urocortin or CRF." Page 8, lines 6-8. The specification discloses that such target tissues

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May 31, 2006 Date	 David L. Parker

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lee *et al.*

Serial No.: 09/714,692

Filed: November 16, 2000

For: Method of Inhibiting Angiogenesis by
Administration of a Corticotropin Releasing
Factor Receptor 2 Agonist

Group Art Unit: 1647

Examiner: B. Bunner

Atty. Dkt. No.: D-6233CIP / CLFR:190US

AMENDMENT AND RESPONSE

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Commissioner:

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This paper is submitted pursuant to the Request for Continued Examination filed concurrently herewith under 37 C.F.R. 1.114. The Commissioner is authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from *Fulbright & Jaworski L.L.P.* Account No. 50-1212/CLFR:190US.

Amendment and listing of the claims begins on page 2.

Response begin on page 3.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

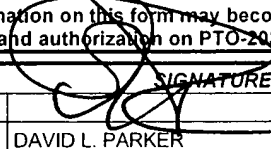
**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/714,692
Filing Date	November 16, 2005
First Named Inventor	Kuo-Fen Lee
Art Unit	1647
Examiner Name	B. Bunner
Attorney Docket Number	CLFR:190US

RECEIVED**JUL 07 2006****OFFICE OF PETITIONS****This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

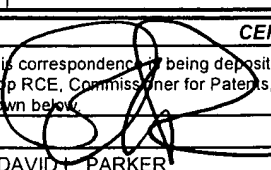
1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-1212. I have enclosed a duplicate copy of this sheet.
- a. ☒ RCE fee required under 37 CFR 1.17(e)
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature		Date	MAY 31, 2006
Name (Print/Type)	DAVID L. PARKER	Registration No.	32,165

CERTIFICATE OF MAILING OR TRANSMISSION

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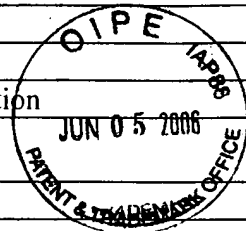
Signature		Date	MAY 31, 2006
Name (Print/Type)	DAVID L. PARKER		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Please indicate receipt of the below-identified paper:

<input type="checkbox"/> New Application For:		Priority Date:	
<input type="checkbox"/> Foreign priority already claimed			
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional	CPA <input type="checkbox"/>
<input type="checkbox"/> Specification:	Pages	<input type="checkbox"/> Drawings:	Sheets
<input checked="" type="checkbox"/> Response to Office Action Dated: Decision March 31, 2006		<input type="checkbox"/> Final Rejection	
<input checked="" type="checkbox"/> Other: Request for Continued Examination (RCE) Transmittal; Amendment and Response; Postcard			
<input type="checkbox"/> Assignment Enclosed	<input checked="" type="checkbox"/> Cert. of Timely Mailing	<input type="checkbox"/> Exp. Mail:	



IDENTIFICATION OF APPLICATION

Serial No.: 09/714,692	
Title: METHOD OF INHIBITING ANGIOGENESIS BY ADMINISTRATION OF A CORTICOTROPIN RELEASING FACTOR RECEPTOR 2 AGONIST	
Applicant: Lee et al.	Attorney: DLP/MPB
Client: Research Development Foundation	F&J File No.: CLFR:190US
Mailed: May 31, 2006	Filed: Due Date: 5-31-06

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,692	11/16/2000	Kuo-Fen Lee	D6233CIP	5372

7590

06/07/2006

DAVID L PARKER
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600 CONGRESS AVENUE
SUITE 2400
AUSTIN, TX 78701

EXAMINER

BUNNER, BRIDGET E

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment	Application No.	Applicant(s)	
	09/714,692	LEE ET AL.	
	Examiner	Art Unit	
	Bridget E. Bunner	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☒ The decision by the Board of Patent Appeals and Interference rendered on 31 March 2006 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


BRENDA BRUMBACK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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